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October 29, 2007

Delta Vision Draft  
650 Capitol Mall, 5<sup>th</sup> Floor  
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Re: Comments on "A Vision for California's Delta," Second Draft,  
October 16, 2007

Dear Mr. Isenberg:

Thank you for the opportunity to comment on the second draft of "A Vision for California's Delta," October 16, 2007 (Vision Document). The Governor gave the Delta Vision Blue Ribbon Task Force (Task Force) a daunting charge to solve the decades-old problem of improving the Sacramento-San Joaquin Delta (Delta) as a water supply for the state while restoring its ecosystem for the future. We are pleased to be able to help you accomplish that goal.

The Kern County Water Agency (Agency) is an alternate to Mr. Tom Hurlbutt on the Delta Vision Stakeholder Coordination Group (Stakeholder Group) and participated in the development of the recommendations previously forwarded to the Task Force by the Business and Water Agency Caucus of the Stakeholder Group. The Agency's goal as a member of the Stakeholder Group is to improve the Delta's function as a water supply for the millions of acres of agricultural land that depend on it, and as a domestic water supply for the residents of Kern County. Part of accomplishing that goal is restoring the Delta ecosystem in a way that improves Delta water supplies for the future.

The Agency respectfully submits the following comments to assist the Task Force in formulating its vision for the Delta.

Water System and Ecosystem as Co-Equal Values

The Vision Document articulates a new concept in Delta management that places "co-equal" value on the traditionally competing interests of Delta water supplies and the environment. The co-equal approach is essential to any long-term vision and should remain part of the Vision Document.

Recent legislative, regulatory and judicial decisions create an unbalanced approach to solving the Delta's problems by placing the Delta's environmental value above its value to California as a water supply. While this may be inevitable under the single-species, single-cause approach to managing the Delta

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ecosystem that has dominated scientific thinking during the past two decades, it is unsustainable as a future for the Delta. Rebalancing the Delta’s water supply and ecosystem functions by improving how water is conveyed through the Delta while looking more broadly at the causes for the decline in the Delta ecosystem will produce a vision that accomplishes improvements in both.

The Vision Document erroneously asserts that past practices have been to “secure water supplies first and then worry about environmental mitigation later.” While that was true in the middle of the last century, the statement and the Vision Document as a whole ignore the changes in California resources management over the past 20 years that reversed that priority, now placing the environment first and making water supply a secondary consideration.

As an example, the state has not built any new water supply infrastructure in the Delta for more than 40 years, and its most recent attempt to do so, a 20-year effort to construct operable gates to improve South Delta water quality, was repeatedly delayed and eventually halted solely due to environmental considerations. The environment-first-and-foremost approach has failed to produce a healthy Delta ecosystem or a healthy Delta water supply. The failure of the “environment first” principle is further illustrated by the lackluster performance of the CALFED Bay Delta Program (CALFED).

CALFED signaled a sea change in the state’s Delta priorities that is ignored by the Task Force in its Vision Document. CALFED was established in 1995 with funding for environmental programs and projects provided in 1996 by Proposition 204. Proposition 204 provided funding, programs and projects for the environment first and far in advance of any water supply projects. The environment-first approach continued throughout the implementation of CALFED. The lack of progress on water supply projects, while spending more than \$1 billion on the Delta ecosystem under the “environment first” principle has been cited by many as one of the leading factors in CALFED’s failure to achieve its goals.

Re-balancing the state’s Delta priorities to make the Delta’s water supply and ecosystem functions co-equal will correct the errors of the last century which made water supplies paramount, and the mistakes of the past 20 years which have placed the Delta’s environmental functions ahead of Californian’s water supply needs.

#### Reducing California’s Water Supply

The Vision Document follows its assertion that water supply and ecosystem are co-equal purposes with a statement that, “[w]e should expect that water exports from the Delta will be reduced in the future.” The Task Force seems to feel that improving the ecosystem at the expense of Californian’s water supply needs meets the test of co-equality. This glaring inconsistency in thought undermines the credibility of the Task Force’s vision. The Agency does not agree that Delta water supplies need to be sacrificed to improve the Delta ecosystem. We strongly recommend that the Task Force implement its principle of co-equality between water supply and the ecosystem by improving both, rather than helping one and harming the other.

The Vision Document makes the assertion that we should expect reduced water supplies without any factual or policy support. The Vision Document recognizes that water from the Delta is necessary to “...power the state’s dynamic economy...,” and to provide for the “economic and social well-being of the people of the state.” The Vision Document should not then give these important values short shrift by concluding on its third page that a reduction in water supplies from the Delta should be the expected outcome for the future. The Agency strongly recommends that the Vision Document delete the

statements that indicate a reduced water supply from the Delta is an acceptable vision of the Delta’s future.

#### Constructing New Storage and Conveyance

The Vision Document states that “[n]ew storage and conveyance must be constructed to capture water at times least damaging to the environment and efficiently move it to areas of need.” The Agency agrees with this approach and recommends that it continue to serve as a foundation for the Vision Document. Separating the state’s Delta water supplies from the risks posed by deteriorating Delta levees, earthquakes and a rising sea level should be the primary considerations in an “act now” approach that reduces or eliminates these risks to the state’s water supply.

Many of the state’s water users that rely on the Delta have already concluded that a new Delta conveyance facility that moves water around the Delta is the best way to protect the state’s water supply from the many risks in the Delta. To support that conclusion, the water user community has indicated that it is willing to pay for the cost of a new conveyance facility, provided that the new facility is capable of improving the state’s water supply while providing benefits to the Delta environment.

However, as noted in the comments above, the construction of a new conveyance facility is contrary to assertions elsewhere in the Vision Document that call for a reduction in water exports from the Delta. The expense of a new facility can only be justified by maintaining or improving the water supply of those who will pay for the facility. Water users facing a reduced supply will not be willing to pay for a new single-purpose facility that provides environmental benefits but reduces water supplies. If the Task Force concludes that a new conveyance facility is necessary, but that its benefits are only available to the environment, then the costs for the facility must be borne by the environmental beneficiaries.

The Vision Document makes several references to separating the Delta’s water supply function from its environmental function. These references are widely understood by the stakeholder community to mean construction of some type of isolated conveyance facility. Since August 25, 2005, when former Secretary of Interior Bruce Babbitt testified before the Little Hoover Commission that California needed to again look at a peripheral canal to solve the Delta’s ills, it has been acceptable to openly discuss the idea. The Task Force should not be afraid to approach this issue head-on. Ambiguity and euphemism will not substitute for leadership on issues that are this important to California’s future.

#### Areas of Greatest Uncertainty

The Vision Document makes the statement that, “Despite numerous past studies and varied policies and programs, prevailing uncertainty about the potential effects of human action is still the most accurate characterization of our understanding of the Delta today.” This statement is inaccurate and misleading because it ignores the decades of studies conducted on the effects of human actions in the Delta. The results of those studies are often inconclusive and result in additional study. However, they each contribute to a reduction in the level of uncertainty about the potential effects of human action.

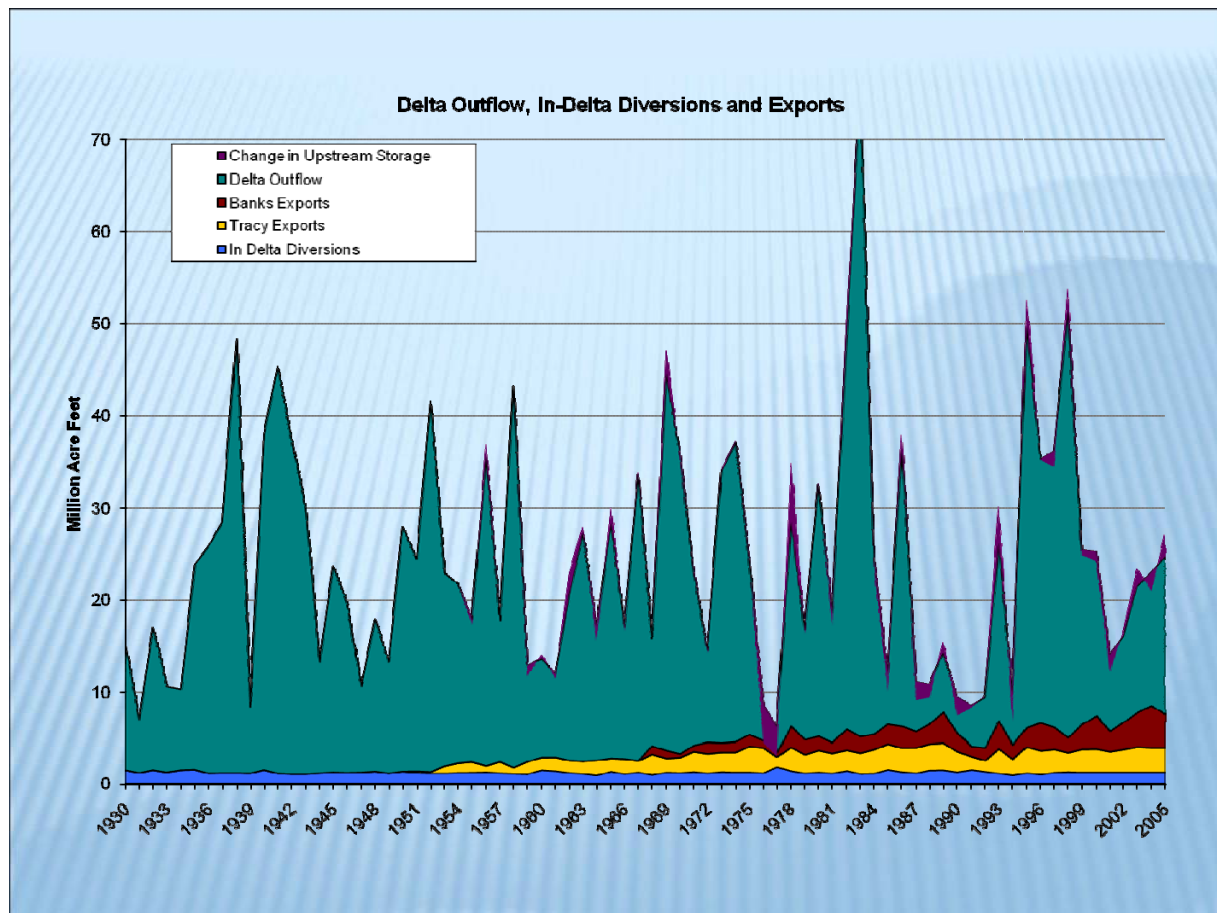
Contrary to the statement in the Vision Document, it is the areas where we have conducted very few past studies that provide the greatest uncertainty about the Delta, and therefore the greatest opportunity. Until very recently, little if any scientific work was done on the changing natural environment in the Delta. Many of the changes in the Delta are caused by actions other than operation of the State Water Project (SWP) and Central Valley Project (CVP). Changes in natural conditions resulting from invasive species, naturally occurring toxins and climate variability have been virtually ignored in the search for answers

about the Delta's environmental health. The Delta's environmental health will continue to deteriorate unless we recognize that humans are not the sole agent of change in the Delta. The new vision for the Delta crafted by the Task Force cannot be a repeat of past myopia that focused only on human-caused changes in the Delta. The new vision must recognize that natural changes are occurring in the Delta and they too must be addressed to achieve Delta sustainability.

#### Accurate Information in Context

Figure 5 of the Vision Document is misleading and must be corrected. As included in the Vision Document, Figure 5 strongly suggests to the reader that the CVP and SWP pump almost all of the water that enters the Delta, leaving little for the Delta environment and suggesting that recent wet-year increases will continue unabated. A better understanding of the data indicates that the combined pumping of in-Delta water users and the CVP and SWP account for less than 26 percent of Delta water use.

Including total Delta outflow in Figure 5 provides a much more accurate depiction of how Delta water is used. The figure below was generated using the same data that was used for Figure 5 in the Vision Document, and adding the total Delta outflow for each year. The result is a graph which accurately shows the total Delta outflow as compared to the amount of water pumped from the Delta by in-Delta water users and the CVP and SWP. This accurate graph provides the proper context lacking in Figure 5 and allows the reader to gain a correct understanding of the relative uses of Delta water.



When all relevant information is provided to the reader in context, it becomes clear that some of the Vision Document's conclusions are supported and others disproved. The Vision Document's recommendation to export more water at times that are least environmentally damaging (wet months and wet years) is supported by the graph. The reader can easily see that a very large amount of water surplus to the environment's needs is available in many years and construction of new conveyance facilities to move that water to storage south of the Delta will improve water supplies without decreasing the flow necessary for the Delta's environment.

The new graph also shows the reader that it is unnecessary to expect reductions in future Delta exports. Rather, that the appropriate approach is to create a better, more efficient and environmentally beneficial way to convey water around the Delta. Separating the Delta's water supply function from its environmental function provides a better, more efficient and environmentally beneficial way to convey water around the Delta without reductions in Delta exports.

#### The Delta Should be Viewed From a Whole-Watershed Perspective

The Vision Document spends a significant amount of time examining the role of exports in changing water flows in the Delta and concludes that reducing those flows is an acceptable way to benefit the Delta environment. This limited view of the Delta watershed precludes the Task Force from considering the effects of water development elsewhere in the Delta watershed.

The Vision Document does not examine, even generally, the role of diversions upstream of the Delta and the effect those diversions have on the Delta environment. Upstream diversions in the Sacramento and San Joaquin river basins change the timing and amount of water that flows through the Delta. In some cases the water is ultimately released to the Delta after it is used. However, on the Sacramento, Mokelumne and Tuolumne rivers, a significant portion of the river flows are diverted into aqueducts that deliver water to urban areas in San Francisco and the East Bay. Water delivered to those areas is taken from the Delta watershed and never returned to it. The Delta environment is deprived of 100 percent of those flows. The effects of these diversions and methods for reducing their effect on the Delta environment must be addressed in the Vision Document.

By not viewing the Delta watershed as a whole, the Vision Document misses a fundamental cause of the Delta's environmental decline. Prior to water supply development in the Delta watershed, the Delta's natural flow was from East to West. The Sacramento River from the North met the San Joaquin River from the South and each turned West, pushed in that direction by the Mokelumne and other East-side tributaries. Under today's conditions, the CVP and SWP move Sacramento River water from the North to the South across the Delta to the Banks and Jones pumping plants, while at the same time flow from the eastern tributaries and the Stanislaus, Tuolumne and Merced rivers on the San Joaquin have been significantly diminished. The result of these two changes is a stronger North to South flow component in the Delta than existed naturally. To restore the Delta ecosystem we must restore the natural flow pattern.

The water agencies that depend on the North to South movement of Sacramento River water across the Delta to the Banks and Jones pumping plants support construction of a new conveyance facility that will separate the water supply and ecosystem function in the Delta. One of the benefits of a new conveyance facility is that it will significantly reduce the amount of Sacramento River water that is moved from North to South across the Delta, partially allowing the natural East to West flow pattern to reemerge. While construction of a new conveyance facility addresses the North to South flow, the Vision Document does not address the changes in Delta flows caused by diminished flows from East-side tributaries. The

Vision Document should include a recommendation to restore flows from the East-side tributaries (the Mokelumne and others) and the San Joaquin River tributaries (Stanislaus, Tuolumne and Merced) to begin restoring the East to West component of the Delta's natural flow pattern.

The Vision Document must address all of the effects water development in the Delta Watershed has on the Delta and recommend solutions to each of them. Repeating the past mistakes of many by focusing only on the effect of exports on the Delta environment will ensure the same failed outcome – a declining environment.

#### Designing New Storage and Conveyance Facilities

The Vision Document it states that, "Designs for storage and conveyance should incorporate expectations of reduced water exports from the Delta and also the need to capture, convey and store water when least harmful to the environment. The next sentence the Vision Document states that, "The systems of storage and conveyance should not be designed to limit transfer of water from points of capture to points of use, recognizing these are policy decisions." These two conclusions are contradictory.

The second sentence correctly states that new facilities should not be limited in size in a way that restricts water use because that is a policy decision. However, this is directly contradictory to the immediately preceding sentence which states, without any supporting policy, that a new facility should incorporate expectations of reduced water exports. It is difficult to understand why any new facilities are needed if the only approach to addressing the Delta's environmental issues is to reduce exports. Reducing exports does not require new facilities and the expenditure of billions of dollars to construct them.

Rather than pursuing an approach that simply allocates shortages, the Task Force should pursue new water supply facilities in the Delta that benefit the Delta environment and water supply. New facilities must be sized large enough to maintain and improve existing water supplies. The additional capacity created by new facilities will improve water supplies, but will be equally available to manage water exports around the needs of the Delta environment. Constructing a conveyance facility around the Delta allows water to be delivered to Californians south of the Delta and in the Bay Area in a manner that is the least harmful to the Delta fishery. Achieving that reduction in environmental harm does not require a reduction in exports, only a better, more efficient method for moving water around the Delta. The Vision Document confuses the negative effects of the way we move water with the quantity of water moved.

The Task Force should abandon its belief that allocating shortages is the best way to manage the Delta. The Task Force should replace that belief with the knowledge that the Delta's co-equal purposes of water supply and the environment can both be achieved. The graph provided above clearly shows that California does not have a water supply problem. We have a water management problem caused by our infrastructure which is inadequate for managing the Delta's competing purposes of water supply and the environment. Making these two purposes co-equal and improving both will provide long-term sustainability in the Delta. Simply allocating shortages between water supplies and the environment by arbitrarily choosing to limit the use of water supply facilities in an effort to reduce water exports from the Delta only perpetuates an already decades-long conflict.

### Policies Outside the Delta

It is tempting to think that because we can articulate the vast interconnection of economies, environments and institutions involved in the Delta, we must develop a vision that addresses all of those interconnections. This was the approach CALFED took when it chose to develop ecosystem restoration plans for areas outside the Delta and water management policies for places as far away from the Delta as Palm Springs and San Diego. The failure of CALFED was that it did not focus on Job One – fixing the Delta.

The Vision Document correctly states that water conservation, recycling, desalination and other demand reduction programs must be part of the Delta solution. More accurately, they must be part of the California water ethic. They are and will continue to be, with or without the Vision Document or the Task Force.

Because these programs are already in place, successful and expanding every year, it is counterproductive to dilute the Task Force's effort by including them in the Vision Document. The Vision Document should note that conservation, recycling, groundwater storage and conjunctive use have increased significantly over the past two decades and will continue to become a larger and larger part of California's water supply portfolio. The Vision Document should not try to fix what isn't broken, but remain focused on the Delta and solutions that fix it, as Job One.

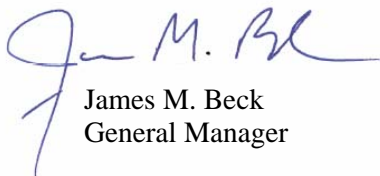
### Conclusion

We are encouraged that the Governor has elevated the importance of addressing California's aging water supply infrastructure and is making the Delta Vision process part of that effort. The Vision Document makes progress on old issues by embracing the concept that separating the Delta water supply from its environment is a necessary first step toward restoring the Delta.

We believe that incorporating the many changes suggested above and the comments submitted by the Business and Water Caucus of the Stakeholder Group will make the Vision Document a practical roadmap to achieve the Task Force's co-equal goals of improving the Delta water supply and the Delta environment.

Thank you for the opportunity to comment on the Vision Document. We will remain involved in the Delta Vision process with the goal of finding solutions that improve the state's water supply and the Delta's environment. Please do not hesitate to contact me at (661) 634-1400 if you have questions regarding our comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "James M. Beck". The signature is stylized with a large, sweeping "J" and "B".

James M. Beck  
General Manager

Delta Vision Draft  
Comments on “A Vision for California’s Delta,” Second Draft, October 16, 2007  
October 31, 2007

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